

REMARKS

The following remarks are provided in response to the Office Action mailed September 16, 2005.

In summary, Claims 25-27 stand rejected under 35 U.S.C. 112(2) as being indefinite and all remaining claims have been rejected as being obvious. Claim 25 has been amended to correct a typographical error. The same corrections were made in claim 1 in a prior response. This amendment has not been made for purposes of patentability. It is respectfully requested that this rejection be reconsidered and withdrawn.

New claims 28-30 have been added.

Although Claims 1-17 and 25-27 were indicated as rejected as the claims remaining in the application, only Claims 1-5, 11-14, 16, 17, and 25-27 stand specifically rejected in the text of the Office Action under 35 U.S.C. 103(a) as being unpatentable over Perego in view of Gelardi, et al.

In view of the following arguments and the amendments to the claims, it is believed that the claims are now in a condition for allowance. Thus, the incomplete action on the claims is considered to be a moot issue. However, if the Examiner disagrees with this conclusion, it is respectfully requested that the Examiner provide the basis for the rejections of the claims not specifically discussed as being rejected in the text of the Office Action.

Perego is directed to an apparatus for taking single CD cases and inserting a leaflet and a booklet into the CD carrier, commonly referred to as a jewel case, and inserting a CD into the case to complete the assembly. Much of the structure in this apparatus is not shown and the description is skimpy. The Examiner cites to Gelardi, et al. to support the proposition that it would be obvious to take the glue applicator from Gelardi, et al. and add it to the machine of

Perego. It is respectfully pointed out, that Perego has no need for a glue station and the only suggested combination of adding a glue station to a Perego type structure is the present invention. Regardless, it is believed that the structure of the present invention as now defined in the claims patentably distinguishes over Perego and Perego in combination with Gelardi, et al.

Perego deposits a case. Then, a first mechanism positioned to the side of the conveyor inserts a leaflet 8 between the tray 7 and the inner surface of the housing 4. See column 4 at line 30. The thus processed case and leaflet is apparently transferred to a second station for receipt of a booklet which is secured to the inner surface of the lid portion 6 by means of tabs and/or other retaining legs 10 for maintaining the booklet conveniently in place. See column 4 starting at line 35. Given the structure of the particular CD case, there is no need for depositing glue, particularly on the outside of the case, since both pieces of material are inserted into the case in a manner to be on the interior thereof. Mechanical interlocking is apparently used to hold the inserted materials in place to permit its later removal. After inserting the leaflet and booklet, the CD case is transferred to a station for inserting the CD to complete the combination of parts. It is pointed out, that the gluing of these parts might not be and is most likely not desirable since often times it is a desire to have the inserted materials removable by the consumer which appears to be the case with Perego through the use of a mechanical retention. Thus, the addition of the glue depositor to Perego with the glue depositor is contraindicated. One of the drawbacks of the Perego structure is that it must provide movement in incremental steps because of the construction of the means used to insert the leaflets and the booklets from the sides.

The two independent apparatus claims remaining in the application have been amended to more clearly define the invention. The structure of the present invention permits a plurality of the CD trays or carriers to move linearly through a machine in an indexed fashion for the

depositing thereon of a cover strip. The applicator is now defined as adapted to position and support a cover strip from a source of cover strips and place them in overlying and spaced relation to upwardly facing surface portions of each of the plurality of carriers prior to the cover strip contacting the glue applied by the glue depositor. A drive member is provided to move in the direction of the longitudinal axis in an indexed manner with the first conveyor and at least one carrier also moving with the first conveyor. The drive member moves the cover strip to a position for engagement with an underlying carrier. New claims 28-30 provide more detail of the drive and applicator.

Unlike Perego, the present apparatus can operate in a continuous fashion as opposed to incremental by providing structure to allow the cover strip to be deposited onto an underlying carrier and hence contact the glue thereon while maintaining continuous motion. It is pointed out, however, that the independent claims are not limited to continuous motion since incremental motion could also be utilized. By contrast, Perego can only be utilized for incremental movement as disclosed. Regardless, Perego does not have or suggest the structure as now defined in the two independent apparatus claims and hence all the claims depending therefrom. It is submitted that for this reason alone, all the claims are now patentably distinguished from the references of record and are allowable there over. There is no indication in Perego or Gelarti, et al. of having a first mechanism to assist gravity induced downward movement of the lower most positioned carrier as set forth in claim 5. Additionally, neither of the cited references discloses an airflow device operable to induce a pressure differential across the top and bottom surfaces of a lower most position carrier as set forth in claim 6. Further detail of the airflow device is provided in claim 7. No suggestion of this structure is provided for in Gelardi, et al. or Perego and thus these claims add additional patentable features thereover.

Likewise, the structure of claim 8 relating to the inclusion of a power operated extendable and retractable finger is also not disclosed or suggested by Perego and Gelardi, et al. Thus, claim 8 adds additional distinction over the cited art.

There is no disclosure in either Perego or Gelardi, et al. of the use of the defined first and second conveyors as set forth in claim 11.

With regard to claim 13, neither of the cited references discloses a conveyor that includes at least two conveyor tracks with at least a portion of each of the conveyor tracks positioned outside of the respective side edge of the first conveyor. Thus, claim 13 adds still further distinction over the cited prior art. Likewise, neither of the cited references discloses or suggests a structure defining claim 15 thereby adding more patentable distinction over the cited art.

It is also submitted that the additional structural elements provided in claims 16 and 17 are also not disclosed or suggested by the references of record. Therefore, they provide still further patentable distinction over the art cited.

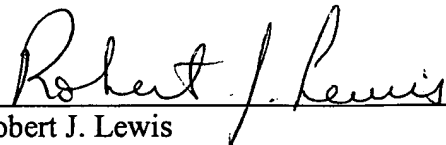
From the foregoing, it is submitted that all of the claims are now in a condition for allowance which is respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Application of: Keith Andrew Talbot
Serial No.: 10/709,617
Amendment B

Respectfully submitted,

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